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Attorneys for Plaintiff
UNITED STATES OF AMERICA

UNITED STATES DISTRICT COURT

FOR THE CENTRAL DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Plaintiff,

v.

ROBERT RUNDO,
ROBERT BOMAN,
AARON EASON, and
TYLER LAUBE,

Defendants.

No. 18-759-CJC

STIPULATION REGARDING REQUEST FOR
(1) CONTINUANCE OF TRIAL DATE AND
(2) FINDINGS OF EXCLUDABLE TIME
PERIODS PURSUANT TO SPEEDY TRIAL
ACT

CURRENT TRIAL DATE: 12/18/18

PROPOSED TRIAL DATE: 7/9/19

Plaintiff United States of America, by and through its counsel of record, the United States Attorney for the Central District of California and Assistant United States Attorneys David T. Ryan and George E. Pence, defendant ROBERT RUNDO ("RUNDO"), both individually and by and through his counsel of record, Julia Deixler, defendant ROBERT BOMAN ("BOMAN"), both individually and by and through his counsel of record, Peter Swarth, and defendant AARON EASON ("EASON"), both individually and by and through his counsel of record, John McNicholas, hereby stipulate as follows:

1 1. The Indictment in this case was filed on November 1, 2018.
2 Defendant RUNDO first appeared before a judicial officer of the court
3 in which the charges in this case were pending on October 22, 2018.
4 Defendant BOMAN first appeared before a judicial officer of the court
5 in which the charges in this case were pending on October 24, 2018.
6 Defendant EASON first appeared before a judicial officer of the court
7 in which the charges in this case were pending on October 29, 2018.
8 The Speedy Trial Act, 18 U.S.C. § 3161, originally required that the
9 trial commence on or before January 10, 2019.¹

10 2. On November 8, 2018, the Court set a trial date of December
11 18, 2018, and a Pretrial Conference for December 10, 2018.

12 3. Defendants are detained pending trial. The parties
13 estimate that the trial in this matter will last approximately one
14 week. All defendants are joined for trial and a severance has not
15 been granted.

16 4. By this stipulation, defendants move to continue the trial
17 date to July 9, 2019, and the Pretrial Conference to July 1, 2019.
18 This is the first request for a continuance.

19 5. Defendants request the continuance based upon the following
20 facts, which the parties believe demonstrate good cause to support
21 the appropriate findings under the Speedy Trial Act:

22 a. Defendants are charged with violations of 18 U.S.C.
23 §§ 371 (Conspiracy), and 2101 (Riots). The government has made
24 available to the defense approximately four terabytes of data from
25

26 ¹ Defendant Tyler Laube ("LAUBE") was also charged in the
27 Indictment with Conspiracy, in violation of 18 U.S.C. § 371.
28 Defendant LAUBE pled guilty to that charge pursuant to a plea
agreement on November 20, 2018. Sentencing for defendant LAUBE is
set for March 25, 2019.

1 approximately 45 digital devices seized during the course of the
2 investigation. The parties filed a stipulation for a protective
3 order on November 21, 2018. Upon entry of the Protective Order, the
4 government is prepared to produce additional discovery to the
5 defense, including over 23,000 pages of reports and other documents,
6 and over 100 video recordings.

7 b. On October 22, 2018, defendant RUNDO's current counsel
8 substituted in as counsel of record. Defense counsel for defendant
9 RUNDO is presently scheduled to be in trial in United States v.
10 Hanna, CR No. 17-579-PSG, on December 11, 2018, United States v.
11 Bose, CR No. 18-785-FMO, on January 15, 2019, United States v.
12 Mattocks, CVB No. CC11, 7451021, on January 23, 2019, United States
13 v. McDowell, CR No. 18-513-FMO, on February 26, 2019, United States
14 v. Garcia, CR No. 18-420-ODW, on March 5, 2019, and United States v.
15 Paofai, CR No. 18-766-GW, on March 26, 2019. Accordingly, counsel
16 for defendant RUNDO represents that she will not have the time that
17 she believes is necessary to prepare to try this case on the current
18 trial date.

19 c. On October 24, 2018, defendant BOMAN's current counsel
20 substituted in as counsel of record. Defense counsel for defendant
21 BOMAN is presently scheduled to be in trial in People v. Anderson,
22 MA069335-02 on December 27, 2018, which is estimated to last two
23 weeks, United States v. Rodriguez, CR No. 17-456-RHW, on January 22,
24 2019, which is estimated to last two days, United States v. Jalbert,
25 CR No. 09-01175-GW, on February 12, 2019, United States v. Rucker, CR
26 No. 17-132-JVS, on February 26, 2019, which is estimated to last one
27 week, United States v. White, CR No. 17-103-DMG, on March 12, 2019,
28 which is estimated to last five days, United States v. Sweeney, CR

1 No. 18-455-JAK, on March 12, 2019, which is estimated to last four
2 days, United States v. Love, CR No. 18-430-SJO, on June 25, 2019,
3 which is estimated to last four weeks, and United States v. Loza, CR
4 No. 16-390-VAP, on July 30, 2019, which is estimated to last six
5 weeks. Accordingly, counsel for defendant BOMAN represents that he
6 will not have the time that he believes is necessary to prepare to
7 try this case on the current trial date.

8 d. On October 24, 2018, defendant EASON's current counsel
9 substituted in as counsel of record. Defense counsel for defendant
10 EASON is presently scheduled to be in trial in United States v.
11 Martinez, CR No. 18-225-RGK, on January 8, 2019, which is expected to
12 last four days, United States v. Perez, CR No. 17-535-CAS, on January
13 29, 2019, which is expected to last four days, United States v.
14 Soria, CR No. 17-516-FMO, on February 12, 2019, which is expected to
15 last five days, United States v. Bossart, CR No. 18-455-JAK, on March
16 12, 2019, which is expected to last four days, United States v.
17 Leiva, CR No. 17-278-ODW, on March 26, 2019, which is expected to
18 last five weeks, United States v. Fatunmbi, CR No. 13-324-CAS, on May
19 14, 2019, which is expected to last five days, and United States v.
20 Perez, CR No. 18-172-GW, on May 28, 2019, which is expected to last
21 12 days. Accordingly, counsel for defendant EASON represents that he
22 will not have the time that he believes is necessary to prepare to
23 try this case on the current trial date.

24 e. In light of the foregoing, counsel for defendants also
25 represent that additional time is necessary to confer with
26 defendants, conduct and complete an independent investigation of the
27 case, conduct and complete additional legal research including for
28 potential pre-trial motions, review the discovery and potential

1 evidence in the case, and prepare for trial in the event that a
2 pretrial resolution does not occur. Defense counsel represent that
3 failure to grant the continuance would deny them reasonable time
4 necessary for effective preparation, taking into account the exercise
5 of due diligence.

6 f. Defendants believe that failure to grant the
7 continuance will deny them continuity of counsel and adequate
8 representation.

9 g. The government does not object to the continuance.

10 h. The requested continuance is not based on congestion
11 of the Court's calendar, lack of diligent preparation on the part of
12 the attorney for the government or the defense, or failure on the
13 part of the attorney for the Government to obtain available
14 witnesses.

15 6. For purposes of computing the date under the Speedy Trial
16 Act by which defendant's trial must commence, the parties agree that
17 the time period of December 18, 2018 to July 9, 2019, inclusive,
18 should be excluded pursuant to 18 U.S.C. §§ 3161(h)(7)(A),
19 (h)(7)(B)(i), and (h)(7)(B)(iv) because the delay results from a
20 continuance granted by the Court at defendants' request, without
21 government objection, on the basis of the Court's finding that:
22 (i) the ends of justice served by the continuance outweigh the best
23 interest of the public and defendant in a speedy trial; (ii) failure
24 to grant the continuance would be likely to make a continuation of
25 the proceeding impossible, or result in a miscarriage of justice; and
26 (iii) failure to grant the continuance would unreasonably deny
27 defendants continuity of counsel and would deny defense counsel the
28

1 reasonable time necessary for effective preparation, taking into
2 account the exercise of due diligence.

3 7. Nothing in this stipulation shall preclude a finding that
4 other provisions of the Speedy Trial Act dictate that additional time
5 periods be excluded from the period within which trial must commence.
6 Moreover, the same provisions and/or other provisions of the Speedy
7 Trial Act may in the future authorize the exclusion of additional
8 time periods from the period within which trial must commence.

9 IT IS SO STIPULATED.

10 Dated: November 26, 2018

Respectfully submitted,


11 NICOLA T. HANNA
12 United States Attorney

13 PATRICK R. FITZGERALD
14 Assistant United States Attorney
Chief, National Security Division

15 /s/
16 DAVID T. RYAN
17 GEORGE E. PENCE
Assistant United States Attorneys

18 Attorneys for Plaintiff
UNITED STATES OF AMERICA
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1 I am ROBERT RUNDO's attorney. I have carefully discussed every
2 part of this stipulation and the continuance of the trial date with
3 my client. I have fully informed my client of his Speedy Trial
4 rights. To my knowledge, my client understands those rights and
5 agrees to waive them. I believe that my client's decision to give up
6 the right to be brought to trial earlier than July 9, 2019 is an
7 informed and voluntary one.

8 
9 JULIA DEIXLER
10 Attorney for Defendant
11 ROBERT RUNDO


11/27/18
Date

12 I have read this stipulation and have carefully discussed it
13 with my attorney. I understand my Speedy Trial rights. I
14 voluntarily agree to the continuance of the trial date, and give up
15 my right to be brought to trial earlier than July 9, 2019.

16 
17 ROBERT RUNDO
18 Defendant

11/27/18
Date

1 I am ROBERT BOMAN's attorney. I have carefully discussed every
2 part of this stipulation and the continuance of the trial date with
3 my client. I have fully informed my client of his Speedy Trial
4 rights. To my knowledge, my client understands those rights and
5 agrees to waive them. I believe that my client's decision to give up
6 the right to be brought to trial earlier than July 9, 2019 is an
7 informed and voluntary one.

8 
9 PETER SWARTH
10 Attorney for Defendant
11 ROBERT BOMAN


11/29/18
Date

12 I have read this stipulation and have carefully discussed it
13 with my attorney. I understand my Speedy Trial rights. I
14 voluntarily agree to the continuance of the trial date, and give up
15 my right to be brought to trial earlier than July 9, 2019.

16 
17 ROBERT BOMAN
18 Defendant


11-29-18
Date

1 I am AARON EASON's attorney. I have carefully discussed every
2 part of this stipulation and the continuance of the trial date with
3 my client. I have fully informed my client of his Speedy Trial
4 rights. To my knowledge, my client understands those rights and
5 agrees to waive them. I believe that my client's decision to give up
6 the right to be brought to trial earlier than July 9, 2019 is an
7 informed and voluntary one.

8 
9 JOHN MONICHOLAS
10 Attorney for Defendant
AARON EASON

11/27/18
Date

12 I have read this stipulation and have carefully discussed it
13 with my attorney. I understand my Speedy Trial rights. I
14 voluntarily agree to the continuance of the trial date, and give up
15 my right to be brought to trial earlier than July 9, 2019.

16 
17 AARON EASON
18 Defendant

11/27/18
Date